

UPCOMING EVENTS AND TRAINING

- **September 13** —
INTEREST-BASED NEGOTIATION
TRAINING
Air Command and Staff College,
Maxwell AFB, AL
- **September 25-28** —
BASIC MEDIATION COURSE
Hanscom AFB, MA
- **October 16-18** — NEGOTIATION
CENTER OF EXCELLENCE
EXECUTIVE SEMINAR
Air War College,
Maxwell AFB, AL
- **November 7-10** —
BASIC MEDIATION COURSE
Maxwell AFB, AL

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General Counsel's ADR Awards for Acquisition Disputes Presented 21 July 2006 at Wright Patterson AFB

Air Force personnel from the AFMC Law Office and AFLOA/JACE were recently honored with the inaugural General Counsel's ADR Awards for Acquisition Disputes. The awards ceremony was held at Wright Patterson AFB on 21 July 2006. Air Force General Counsel Mary L. Walker presented both organization and individual awards to those recognized for excellence in FY 2005. Also present at the ceremony were Deputy General Counsel for Dispute Resolution Phil Deavel and Assistant Deputy General Counsel Lynda O'Sullivan.

Mr. John Thrasher and Col Anthony Datillo accepted the organization award on behalf of the AFMC Law Office's Directorate of Contract Dispute Resolution. The Directorate was recognized for leading the way and serving as a role model for the acquisition community in the effective use of ADR processes and techniques to achieve early resolution of significant contract disputes. Mr. John Hart, Major Grant Kratz, and Major James Kennedy each received individual awards for creativity and teamwork in working to bring to resolution an extraordinarily complex Air Force contract claim for environmental costs at a GOCO facility. In particular, they were recognized for crafting an elegant phased issue resolution process that is now viewed as a model for resolution of similar claims by the U.S. Department of Justice.

In her remarks, Ms. Walker highlighted the importance of the Air Force ADR program in an era in which "the Air Force is challenged to conduct business smarter and faster." She praised the award recipients for epitomizing "the forward thinking and entrepreneurial spirit of the Air Force ADR Program," and pledged to keep the accomplishments of the ADR Program on the radar screens of Air Force leadership.

The call for nominations for FY 2006 General Counsel's ADR Awards for Acquisition Disputes will go out in September.



Award Recipients with the Honorable Mary L. Walker

General Counsel Keynote Presentation at Pepperdine School of Law

*By R. Philip Deavel,
Deputy General Counsel*

On July 14th, the Honorable Mary L. Walker, General Counsel of the Air Force, presented the keynote speech at a joint conference of the Straus Institute for Dispute Resolution of the Pepperdine University School of Law and the Center for Public Trust.

The Straus Institute is a nationally recognized center devoted to scholarship in the field of dispute resolution, while the Center for Public Trust was created by the National Association of State Boards of Accountancy to provide a forum for exploring and furthering ethical leadership and practices in organizations. The collaboration of these two associations produced a unique gathering to address the convergence between traditional dispute resolution practices and organizational ethics, presented before a multi-professional audience composed of attorneys, accountants, corporate executives and mediators.

In her remarks, Ms Walker emphasized that effective dispute resolution and an ethical culture reinforce each other within the organization, since both are premised on respect for the dignity of the individual.



The General Counsel of the Air Force, the Honorable Mary L. Walker, presenting at the Straus Institute's "Achieving Ethical Conduct by Encouraging Conflict-Competent Organizations" Conference on 14 July.

Negotiation Center of Excellence Executive Seminars

The first Negotiation Center of Excellence (NCE) executive seminar was presented April 5-7 at the Air War College (AWC) to 30 AWC students, including several international officers. The three-day seminar included instruction on interest-based negotiation, cross-cultural negotiations, and multi-party negotiations. The seminar combined lecture and scenarios and was presented by highly respected experts in the field, including Dr. Gary Weaver of American University and Ms. Cherie Shanteau of the Institute for Environmental Conflict Resolution. Linda Myers, Associate General Counsel for Dispute Resolution and Col Stefan Eisen presented the session on interest-based negotiation.

A highlight of the seminar was a presentation by Dean Nancy Rogers of the Ohio State University Law School, whose students are writing a treatise for the NCE on cutting edge issues in cross-cultural and multi-party negotiations, which, once published, will serve as a teaching resource for the NCE.

The NCE offered its second executive seminar on May 31-June 2 at the Air War College. It was attended by mid-term AWC students and representatives from other institutions (*continued on page 5*)

NADRC Course Presented at JAG School

In May, SAF/GCD presented the annual Negotiation and Appropriate Dispute Resolution Course (NADRC) under the umbrella of the newly established Negotiation Center of Excellence. The five-day course, presented to 40 Air Force and other DoD attorneys at the Air Force JAG School, focused on interest-based negotiation and ADR advocacy skills across a wide spectrum of legal disciplines, using a combination of interactive lectures, group discussions, and negotiation role-play exercises in contract, environmental, labor and international dispute scenarios. Course evaluations reflected the positive response to these teaching methods and techniques.

The keynote speaker was the Honorable Naomi Earp, Vice-Chair of the U.S. Equal Employment Opportunity Commission, who complimented the Air Force for its robust use of ADR to resolve discrimination complaints and offered thoughtful and candid advice for meeting future challenges and opportunities. Other guest speakers included Steve Rogers, Deputy General Counsel for Environment and Installations and Joe McDade, former Deputy General Counsel for Dispute Resolution and currently Deputy Director of Airman Development and Sustainment. NADRC is always one of the JAG School's highest rated courses, and this year's offering was no exception.



Dr. Stef Eisen (Colonel, USAF, Retired)

Eisen Named First NCE Director

On August 1, Dr. Stefan Eisen was named Director of the USAF Negotiation Center of Excellence at Air University, Maxwell AFB, AL. Prior to this position, Dr. Eisen served as the Dean of Academic Affairs at the Air War College.

His military career demonstrates his commitment to improving professional military education, and among his many successes is the creation of the Air and Space Basic Course at Maxwell AFB, where he served as its first commander. He has also served on the faculty of every major AF officer PME program at Air University as well as serving as the commander of AF ROTC.

Dr. Eisen earned a BS from the US Air Force Academy, a MS in Systems Management from St. Mary's University in San Antonio, TX, a MA in Strategic Security Studies from the Naval War College, and a Doctorate in Public Administration from the University of Alabama. He graduated first in his Squadron Officers School class as well as first in his Naval War College Class, and is a distinguished graduate of the Air Command and Staff College. A five time commander, he also flew over 3,300 hours in trainer type aircraft, training student pilots from over two dozen nations.

While serving as the AWC Dean of Academic Affairs, Dr. Eisen made invaluable contributions to the early successes of the NCE. GCD looks forward to working with him in his new full-time position to build the NCE to its full potential.

Hill ADR Program Expanding the Dialogue Towards Unification

By Mary Bishop, Program Director, Hill Air Force Base ADR

In implementing Alternate Dispute Resolution techniques, Hill is keeping pace with a national trend moving toward more peaceful and effective means of resolving disputes. New techniques, such as mediation or facilitation and conflict coaching, shift the process from blameful punitive methods toward a practice encouraging everyone involved to accept some level of accountability.

This new way of doing business has not only proved better at resolving and decreasing disputes, but has also restored communications and relationships of those involved. The ADR program here offers techniques for resolving disputes -- such as grievances, Equal Employment and Opportunity complaints and unfair labor practices, before they reach the formal stage.

Similar to preventative maintenance, the program is successfully resolving individual and group disputes in the workplace before situations deteriorate and become detrimental to the Hill mission.

MEDIATOR'S CORNER

Marv the Mediator answers your questions about mediation practice in Air Force workplace disputes.

Dear Marv:

I am mediating a case next week in which both parties will have attorneys present. I just found out that the employee now wants a second attorney to be at the mediation. Can a party have more than one attorney at a mediation session?

Lots of Lawyers

Dear Lots of Lawyers:

According to AFI 51-1201 paragraph 27, the parties in a workplace mediation may appear alone or with one or more representatives of their choice. Representatives include attorneys, so if the employee wishes to have a second attorney present at the meeting, that is acceptable under the AFI. It is always a good idea to check with your ADR Champion to see if there are any local requirements regarding participation in mediation before you conduct the mediation.

However, the AFI also states that "the neutral has the authority to set reasonable limits on the number of representatives based on the size of the room and the need for full and effective communication between the parties and the neutral". If one party is planning to bring several advocates and the other will be unrepresented in the mediation, the process might be viewed as intimidating by the unassisted party. You may want to discuss having one of the party's advocates available by telephone rather than attending the session. Additionally, communication can become more difficult when there are multiple representatives in the mediation. Consider addressing the issue of communication in your mediation ground rules so that all parties and representatives have an opportunity to speak in an uninterrupted and effective manner. An organized communication process can be the key to a successful mediation. As a mediator, you can't control the outcome, but you can control the process!

Good Luck! - Marv

ADR specialists work with employees and managers to help them understand one another and meet needs such as good interpersonal relationships, harassment and discrimination-free environments, individual value and sense of purpose, and mentoring and collaborative work teams. Workplace representatives and advisors such as upper management, wing labor liaisons, labor and employee relation specialists and shop union representatives are being trained to identify conflict situations where ADR can help.

The Hill ADR Office is helping to expand the dialogue towards unification by focusing on conflict prevention and providing quality methods to resolve conflicts, improve communication, and develop team-oriented work environments that minimize conflict, stress, frustration and anger.

ADR Marketing Techniques

Looking for innovative ways to market your ADR program? Check out these colorful and creative tools developed by our ADR champions and their staffs at the Davis-Monthan and Offutt Air Force Base EEO Offices:

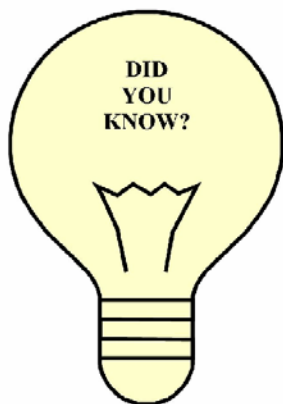
The Davis-Monthan AFB EEO Office recently produced this informative brochure for its customers:

(courtesy of Pam Dowell, Offutt EEO Manager and ADR Champion)



WARNING:

**ALTERNATE DISPUTE
RESOLUTION CAN BE A
GOOD THING!**



- ADR is an informal process used to resolve disputes
- ADR offers you the chance to state your issues
- The average EEO case takes at least 12 months before a decision is made by an administrative judge
- 98% of EEO cases are dismissed before a judge hears the case
- Mediations are held within 14 days after request is made
- 70% success rate over the last 2 years
- That mediation saves time, money, increases work place efficiency and enhances the work environment
- That if the mediation is successful, a settlement agreement will be prepared

**ARE YOU SURE YOU DON'T
WANT TO TRY MEDIATION?**

CONFLICT if left untreated may cause productivity loss, extended absences, misunderstandings or unresolved anger.

Anyone can be a part of a conflict. Some conflicts are easily resolved while others create hard feelings, short fuses and harsh words. This can result in getting stuck in conflict.

Here at Davis-Monthan there is a way to get "unstuck" that can result in a win-win situation. It's called Alternate Dispute Resolution (ADR) or mediation.

Mediation is an opportunity for two parties to come together with a neutral third party and give their points of view.

Mediation is fair. Mediators have no interest in the outcome. Their role is to help the parties resolve the conflict.

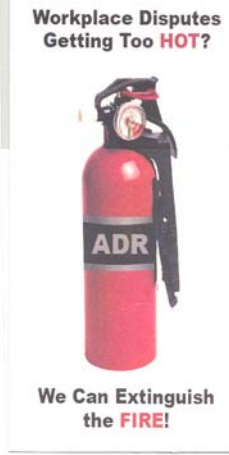
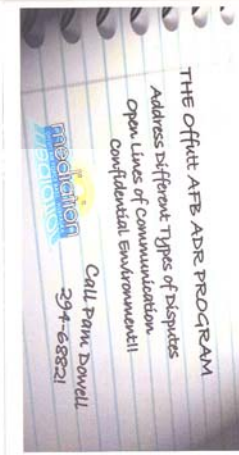
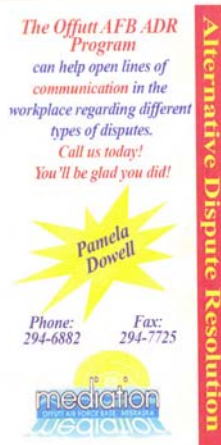
Mediation is a voluntary process. It will only work if both parties are willing.

Contact 355 WG/ME/EEO at (520) 228-5509 for assistance.

ADR CAN WORK FOR YOU!

The Offutt AFB EEO Office hands out these ADR "business cards" to its visitors:

(Courtesy of Mr. Tom Burhenn, 355 WG/JA and Barb Dycus and Janice Meindl, Davis-Monthan EEO Office)



Mediator Certification

The goal of the Air Force Mediator Certification Program is to deliver effective mediation services by matching the proper skill level and experience of a mediator with the issues and complexities of a particular dispute. Air Force mediators are encouraged to apply for certification at levels which range from Level I through Level IV (Basic, Intermediate, Advanced, and Master). Thus far, 25 Air Force mediators have been approved at Level I, 13 at Level II, and one at Level III.

Although voluntary, certification provides a standardized means for ensuring the quality of Air Force mediators and provides those mediators with clear goals to advance their professional aspirations. Therefore, SAF/GCD strongly encourages anyone who has not applied to send their applications in. Applications can be sent to Diane Kim via email at diane.kim@pentagon.af.mil.

Negotiation Center of Excellence Executive Seminars

(continued from page 2) such as the United States Institute of Peace, the Army War College, and the National Defense University.

On August 2-4 the NCE and the Interagency Transformation, Education, and After Action Review (ITEA) co-hosted the third seminar, focused on interagency negotiation and collaboration. Attendees included representatives from the Army War College, the Marine Corps Command and Staff College, and the State Department.

Future NCE offerings include another session to be held at Maxwell AFB on October 16-18 for AWC students. Linda Myers of GCD will be teaching interest-based negotiation to the Air Command and Staff College on September 13. Additionally, plans are underway to take cross-cultural training "on the road" to bases deploying personnel overseas.

Course evaluations reflect students' enthusiasm about the course. Approximately 90% of the students evaluated the course, in three separate evaluations, as having both a positive impact on their effectiveness in the future and high relevance to their current and future needs as DOD professionals.

Similar evaluations were provided in the areas of instructor effectiveness and teaching methodology. Here is a sample of student comments:

"Programmatic and applied approach. Useful."

"Most complete negotiations coursework I have ever experienced; great balance between lecture, learner, and exercises."

"This class will have a positive impact in my leadership and interaction within my organization. These are very powerful concepts."

"I strongly believe officers and SNCOs heading overseas and even to Joint positions should receive the instruction of this course to greater enable them to understand the different peoples they will encounter..."

"Fantastic cadre of instructors. Very collegial atmosphere."

"Negotiations will be part of my job for the rest of my career...I appreciate the opportunity to learn more skills and techniques to improve my abilities."



New GCD Staff (standing from left): Kristin Kadar, Ed Duffy, Diane Kim; (seated): Lisa Eakman, Bryn Saxe (David DeGroot not pictured)

GCD Welcomes New Co-ops

GCD welcomes six new co-ops participating in the Student Career Experience Program, an initiative designed to give students experience related to their educational program and career goals. Throughout the 2006-2007 academic year, these co-ops will support GCD's dispute resolution projects and the Negotiation Center of Excellence, manage program contracts and the division's budget, and provide research assistance and technical support to the office.

This year's participants are studying at DC-area universities and interested in careers in government. Lisa Eakman, Kristin Kadar, Diane Kim, and Bryn Saxe are pursuing masters degrees in international affairs at George Washington University (GWU). David DeGroot, who joins GCD in September, will receive his masters in management information systems from GWU, and Ed Duffy is working towards his bachelors in international politics at Georgetown University.



Deputy General Counsel-Dispute Resolution Division

R. Philip Deavel	Deputy General Counsel
Lynda T. O'Sullivan	Assistant Deputy General Counsel Acquisition/Environmental Disputes
Marc Van Nuys	Associate General Counsel Director, Workplace Disputes
Ken Lechter	Associate General Counsel, NCE
Linda Myers	Associate General Counsel ADR Training
Cehas Kelly	Office Administrator
David DeGroot	Co-op, Information Systems
Ed Duffy	Co-op, Acquisition
Lisa Eakman	Co-op, NCE
Kristin Kadar	Co-op, Contracts
Diane Kim	Co-op, Workplace
Bryn Saxe	Co-op, Budget

Contact Information: SAF/GCD

1777 N. Kent St.
Ste. 11500
Arlington, VA 22209

Phone: 703-588-2205
Fax: 703-588-2050
Website: www.adr.af.mil